

RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND DISPOSAL OF SOLID WASTE OR RECYCLABLES IN THE TOWN OF MONSON

I. Purpose

The goal of these regulations is to protect public health and the environment and to ensure that all Private Haulers collecting Solid Waste and Recyclables adhere to the Massachusetts Waste Ban regulations and uniformly comply with permit requirements established by the Town of Monson. This should ensure that:

- The environmental benefits of recycling are maximized;
- There is joint enforcement of the Waste Ban requirements by the municipality and all Private Haulers operating within the municipality;
- There are fair and equitable rules for all Private Haulers operating in the Town of Monson;
- All residents and businesses have convenient access to recycling collection services;
- All Private Haulers licensed to operate in the Town of Monson are in compliance with state regulations (310 CMR 19.017);
- There is greater consistency across municipalities to promote clear operating guidelines for Private Haulers; and,
- Municipalities and Private Haulers work together to support the goals of the Solid Waste Master Plan and the Global Warming Solutions Act.

II. Authority

These regulations establish minimum requirements for the systematic collection of Solid Waste and Recyclables in order to promote waste reduction, comply with State-mandated Waste Bans (310 CMR 19.017), and further the goals of the Town of Monson. The Board of Health of the Town of Monson adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

III. Effective Date

These regulations shall take effect on January 1, 2019.

IV. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meaning unless the content clearly indicates otherwise:

Commercial Customers/Generators shall mean property owners and occupants of any commercial, industrial, institutional, municipal, school, or mixed use building within the Town of Monson.

Customer shall mean either Residential Customer/Generator or Commercial Customer/Generator.

Mercury Disposal Prohibition shall mean Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006). Effective May 1, 2008, mercury-added products cannot be disposed of in Solid Waste. The law also prohibits any Solid Waste collector from collecting as Solid Waste the contents of a Solid Waste container that the collector knows (or reasonably should know) includes one or more mercury-added products. Details may be found at this link:
<http://www.mass.gov/eea/docs/dep/toxics/laws/hgbanfaq.pdf>

Permitted Hauler shall mean any Private Hauler who has obtained a valid Private Hauler permit from the Town of Monson.

Recyclables shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans. Mixed paper, cardboard, glass, metal and plastic containers are priority materials of this regulation.

Residential Customers/Generators shall mean property owners and occupants of single and multi-family dwellings, condominiums, public housing, and mobile homes within the Town of Monson.

Solid Waste shall mean useless, unwanted or discarded non-recyclable solid and liquid wastes, excluding items restricted from disposal in Massachusetts, as defined by Table 310 CMR 19.017(3) of the Massachusetts' Solid Waste regulations (310 CMR 19.017).

Town/City shall mean the Town of Monson.

Waste Ban Materials shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans, including: asphalt, pavement, brick & concrete, cathode ray tubes, clean gypsum wallboard, commercial food waste, ferrous and non-ferrous metals, glass & metal containers, lead acid batteries, leaves and yard waste, recyclable paper, cardboard and paperboard, single resin narrow-necked plastics, treated and untreated wood and wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

V. Mandatory Recycling

In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban Regulations (310 CMR 19.017); the Town of Monson hereby establishes a requirement for mandatory separation of Recyclables from the Solid Waste stream. This requirement applies to all Residential Customers/Generators and Commercial Customers/Generators in the Town of Monson. The Town of Monson will inform all generators (residential and commercial) at least once per year that recycling is mandatory.

VI. Permit Required

All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within the Town of Monson shall be required to first obtain or annually renew a permit from the Town of Monson. No Private Hauler may collect Solid Waste or Recyclables unless they have obtained a valid Private Hauler Permit from the Town/City. Private Haulers that collect only Recyclables must also be permitted.

A. Permit Application

The permit application shall include the formal name of the person or company, a statement that the person or company is registered to do business in Massachusetts and that the person or company is fully insured, and a contact name, address, and telephone number. Copies of certificates of insurance for public liability and property insurance all shall be included.

The permit application must include a statement that the Private Hauler understands and is in compliance with the Massachusetts Waste Bans and Mercury Disposal Prohibition. The Private Hauler shall list the Solid Waste disposal facilities and the Recycling processing facilities where Solid Waste and Recyclables are expected to be delivered from Private Hauler's Customers during the permit year. The application shall be signed by a designated representative of the company, permitted to do business within the Commonwealth of Massachusetts. The application shall include information on the types of services intended to be offered, and the approximate number of collection trucks expected to be used in the municipality during the permit year. The application shall include information on how the Private Hauler intends to ensure that Customers prevent Waste Ban materials from being disposed with Solid Waste, and how the Private Hauler intends to notify Customers of improper Recycling or Solid Waste disposal.

Upon receipt of a complete permit application, the Board of Health shall have 14 days to rule on the granting of a permit to operate within the Town of Monson. In addition, the applicant shall pay the annual permit fee of \$50.00 as determined by the Town of Monson.

B. Annual Permit Renewal

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the 31st of December, by paying the annual permit fee. Any licenses/permits not submitted with payment for renewal by December 31st will be subject to fines and possible revocation of licensure. A fifty percent fine of your total fees will be assessed for each month that your renewal paperwork and fees are late. For example, if your renewals are not received until January and your fees are \$100, you will be assessed a \$50 fine regardless of what day in January it is received. If your renewals are not received until February, you would then be assessed a \$100 fine, etc. The annual renewal application must indicate any changes from the original permit, including any change in Solid Waste or Recyclables facilities used, and must be signed by a business owner. The renewal must be accompanied by a completed Annual Solid Waste and Recyclables Reporting Form (ATTACHMENT 2).

Failure to provide a complete and accurate Annual Solid Waste and Recyclables Reporting Form may be grounds for denial of a permit to operate within the Town of Monson.

Annual permits will be issued by the 1st of January each year.

C. General Permit Requirements

All Permitted Haulers must be in compliance with the following general permit requirements:

- All Permitted Haulers must clearly display the name of the company on each vehicle operating in the Town/City.
- All Permitted Haulers must be in compliance with applicable federal, state and local laws. Each vehicle must meet all Department of Transportation safety requirements at all times.
- All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
- Recyclables shall not be commingled with Solid Waste when collected by the Permitted Hauler. Recyclables must be delivered to a processing facility designed to accept recyclables. The Permitted Hauler shall inform Customers how to prepare acceptable Recyclables consistent with the requirements of the Recyclables processing facility.
- Permitted Haulers shall only collect for disposal Solid Waste which is not banned from disposal. It is the responsibility of the Permitted Hauler to educate the Customer about the Waste Bans and inform them that they will refuse to collect Solid Waste mixed with Waste Ban items that are visible to the driver/collector from any of the Customers (there is no requirement to open bags). Please refer to the list of waste Ban items (ATTACHMENT 1) which may not be accepted at Massachusetts' disposal facilities.
- In the event that the Permitted Hauler refuses to collect any materials, the Permitted Hauler will notify such Customers in writing of the reason(s) for refusal to collect the Solid Waste or Recyclables. In addition, the Permitted Hauler will advise the Board of Health about Customers who have received rejection notices. The Board of Health will, where possible, assist the Permitted Hauler with enforcement of the Mandatory Recycling provision and/or Waste Ban requirement.

VII. Bundled Service Requirement

A. Service to Residential Customers/Generators

For **Residential customers/generators**, the bundled service must provide Customers with Solid Waste and Recyclables collection at a rate that reflects the cost of providing both services. Solid Waste and Recycling services must be provided by the same Permitted Hauler unless otherwise pre-approved by the Board of Health. The Permitted Hauler may itemize the invoice to clearly show the cost of Recycling collection contained in the bundled service.

All Permitted Haulers serving Residential Customers/Generators must provide appropriately-sized, paired Solid Waste and Recyclables containers that are clearly marked and adjacent or in close proximity of each other.

B. Service to Commercial Customers/Generators

For **Commercial customers/generators**, the Permitted Hauler must provide both Solid Waste and Recyclables collection; unless the Customer can provide proof to the Permitted Hauler that separate Recycling services are provided by another Permitted Hauler or via one of the methods listed on the Recycling Service Exemption Form (see Attachment 5). Permitted Haulers may charge separately for the collection of Recyclables. Commercial Customers/Generators may choose to contract for collection of Recyclables by a second Permitted Hauler that only performs Recyclables collection. Permitted Haulers that collect only Recyclables are not required to collect Solid Waste. Permitted Haulers must provide the names and addresses of their Solid Waste only Commercial Customers to the Town/City so that Town/City can follow up to ensure that those Customers are complying with the Waste Bans.

VIII. Inspection Agent

The Board of Health or its designee is authorized to inspect a Permitted Hauler's truck and load at any time. Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket per MGL Chapter 40, Section 21D. Agents of the Board of Health or its designees shall have the power to enforce the provisions of this regulation.

A. Penalties

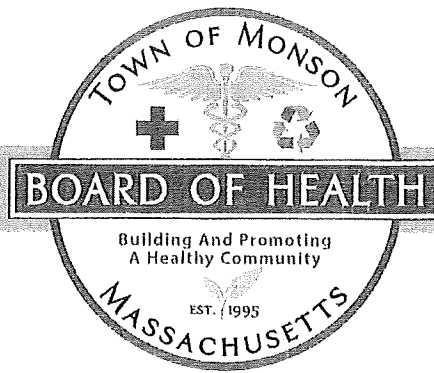
In the event that a Permitted Hauler fails to follow these regulations, the Board of Health reserves the right to impose reasonable fines and/or revoke the permit to operate within the Town/City, subject to the Appeal Provisions described below.

○	First Offense	Warning
○	Second Offense	\$200 Fine
○	Third Offense	\$300 Fine
○	Subsequent Offenses	not less than \$400 nor more than \$1000

Each day of failure to comply with the regulations shall constitute a separate violation.

B. Appeal Provisions

Any Permitted Hauler cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Board of Health within seven (7) days, exclusive of Saturdays, Sundays and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two (2) WEEKS PRIOR TO THE SCHEDULED DATE. The hearing will be conducted in accordance with the established procedures of the Board of Health.



ATTACHMENT 1: Banned Materials

Following is a list of materials which have been banned from landfill or incineration disposal by the Massachusetts Department of Environmental Protection, with the date the material was banned. These materials are banned either because they pose an environmental threat or because there are methods for reusing or recycling them.

List of Waste Ban Materials: 310 CMR 19.017

MATERIAL	DATE OF BAN
Lead Batteries	December 31, 1990
Leaves	December 31, 1991
Tires	December 31, 1991
White Goods	December 31, 1991
Other Yard Waste	December 31, 1992
Aluminum Containers	December 31, 1992
Metal/Glass Containers	December 31, 1992
Single Polymer Plastics	December 31, 1994
Recyclable Paper	December 31, 1994
Cathode Ray Tubes (CRT)	April 1, 2000
Asphalt Pavement, Brick & Concrete	July 1, 2006
Metal	July 1, 2006
Wood	July 1, 2006
Clean Gypsum Wallboard	July 1, 2011
Commercial Organic Material (1)	October 1, 2014

(1) Applies to entities that generate more than one ton of those materials for Solid Waste disposal per week.



Building And Promoting A Healthy Community

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ATTACHMENT 2: Annual Solid Waste and Recyclables Reporting Form

ANNUAL SOLID WASTE AND RECYCLABLES REPORTING FORM FOR PERMITTED HAULERS OPERATING IN THE TOWN OF MONSON

Instructions

All sections of this form must be completed and submitted to the Board of Health with your Annual Permit Renewal Application. Private Hauler permits will not be issued until this report is filed.

Reporting Period: Starting _____ through _____ (Month/Day/Year)

Company Information:

Company Name	
Name of Person completing form	
Address	
City, State ZIP Code	
Phone	
E-Mail	

In the table below, please provide the average number of MONSON customers you served during this 12 month reporting period, by category type.

Category:

Customer Count:

Residential Customers: Solid Waste and Recyclables	
Commercial Customers: Solid Waste and Recyclables	
Commercial Customers: Recyclables Only	
Commercial Customers: Solid Waste Only	

Tonnage Data: Please provide the total tons of Solid Waste and Recyclables collected from Residential Customers within the Town of Monson during this 12 month period. *(Note: in the case where your company delivers loads for disposal or recycling that are combined with more than one municipality, you must provide your best estimate of tonnage delivered from the Town of Monson. Weight slips must be provided upon request from the Board of Health.)*

	Solid Waste	Recyclables
Tonnage		
Disposal or Processing Facility		

Please check all and make sure all associated attachments are included. If Not Applicable, enter (NA).

Incomplete applications will not be considered.

- ☐ I have attached names and addresses of Commercial Customers who are provided Solid Waste only collection.
- ☐ I have attached names and addresses of Commercial Customers who are provided Recyclables only collection.
- ☐ I have been in communication with the Board of Health regarding Customer set-outs not in compliance with the Town of Monson regulations.
- ☐ I have attached copies of all Waste Ban violation letters or notices received by my company during the prior year that refer to loads collected within the Town of Monson.

Signature of Company Official

Printed Name

Title

Date